

1 civil or criminal litigation.

2 6. Respondent is aware that any violation of said Consent
3 Order constitutes unprofessional conduct pursuant to A.R.S. § 32-
4 1854(26) and may result in disciplinary action pursuant to A.R.S.
5 § 32-1855.

6 ACCEPTED this sixth day of December, 1993.

7
8 David M Thomas DO
9 David M. Thomas, D.O.

10 FINDINGS OF FACT

11 1. The Board of Osteopathic Examiners of the State of Arizona
12 ("Board") is the duly constituted authority for the regulation and
13 control of the practice of osteopathic medicine in the State of
14 Arizona.

15 2. David M. Thomas, D.O., (hereinafter, "Respondent") is the
16 holder of License No. 2774 for the practice of medicine in the
17 State of Arizona.

18 3. On or about July 29, 1992, the Board received information
19 which suggested that Respondent, might have committed an act or
20 acts of unprofessional conduct as defined in A.R.S. §32-1854.

21 4. Due to receipt of said information the Board, in
22 accordance with A.R.S. §32-1855, investigated the allegations of
23 unprofessional conduct as brought against David M. Thomas, D.O.

24 5. Respondent was informed by correspondence that a Board
25 investigation was pending and the substance of the allegations
26 being investigated.

6. Respondent failed to timely pay for renewal of his Board license on or before April 1, 1993; and, therefore, pursuant to Arizona Revised Statutes §32-3202, Respondent's license was suspended on the date that it would otherwise expire or terminate.

CONCLUSIONS OF LAW

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over David M. Thomas, D.O., pursuant to A.R.S. § 32-1801, et seq.

2. The Board has authority to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. § 41-1061(D).

ORDER

Pursuant to the authority vested in the Board by A.R.S. § 32-1855.E.4 and § 41-1061.D, the Board voted to accept the stipulated disposition of this matter on October 15, 1993; and, therefore, IT IS HEREBY ORDERED THAT:

1. DAVID M. THOMAS, D.O. (Respondent) shall surrender license number 2774 for the practice of osteopathic medicine and surgery in the state of Arizona within ten (10) days of the effective date of this order. Respondent shall deliver by mail to the Board's office all documents in his possession or subject to his control that indicate he is a licensee of the Board. Said delivery to be made within ten (10) days of the effective date of this order.

2. THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY will DISMISS case number 1464 brought against David M. Thomas, D.O.

DATED and EFFECTIVE this 13th day of December, 1993.

ARIZONA STATE BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

By Paul M. Steingard D.O.
Paul M. Steingard, D.O.
Vice-President

[S E A L]

By Robert J. Miller
Robert J. Miller, Ph.D.
Executive Director

Copy mailed by Certified Mail
this 13th of December, 1993,
to:

David M. Thomas, D.O.
Star Route Box 62A
Epes, AL 35460

C/O John Gabroy
Gabroy, Rollman & Bosse, P.C.
2195 E. River Road, Suite 201
Tucson, AZ 85718

Copy mailed by Interagency Mail
to Board Counsel.